

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/024,836
Filing Date	19 December 2001
First Named Inventor	Phillip G. Wapner
Art Unit	1733
Examiner Name	J. Rossi
Attorney Docket Number	AFB00612

Total Number of Pages in this Submission

3

ENCLOSURES

(check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Included is: Response to Notice of Non Compliant Amendment
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts / Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name			
Signature			
Printed Name	THOMAS C. STOVER		
Date	8 February 2005	Reg. No.	22,531

CERTIFICATE OF TRANSMISSION/ MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Typed or printed name

THOMAS C. STOVER

Date

8 February 2005




Air Force Invention No. AFB00612

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On 8 February 2005
(DATE OF DEPOSIT)

Thomas C. Stover 22,531
NAME OF APPLICANT, ASSIGNEE, OR REG. REP.

 8 February 2005
SIGNATURE DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of
Phillip G. Wapner et al
Application Serial No. 10/024,836
Filed: 19 December 2001

Group Art Unit: 1733
Examiner: J. Rossi

For: **MICROTUBES WITH AXIALLY VARIABLE GEOMETRIES AND
METHOD OF MANUFACTURING SAME**

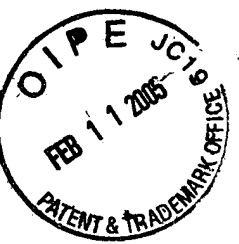
Honorable Commissioner for Patents
Alexandria VA 22313-1450

Sir:

Response to Notice of Non Compliant Amendment

An Amendment in the above application, filed in the PTO on 11-30-04, was held non compliant in that page 6 of the Amendment was not received with a signature thereon.

Accordingly, such page 6, as originally prepared on 11-30-04, is submitted herewith, all signed, as called for in the above Notice, per 37 CFR 1.121, to complete such amendment for an action on the merits.



In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner to: Thomas C. Stover, A/C (781) 377-3779.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "T. Stover".

THOMAS C. STOVER
Attorney for Applicant(s)



Double Patenting

The Office Action rejection of claims 35 & 37-38 under the judicially created doctrine of obviousness-type double patenting over claim 7 of USP 6,458,231 ('231), in view of patent '001 to Wapner et al, is respectfully traversed.

The Office Action rejection of claim 36 under the judicially created doctrine of obviousness-type double patenting over claim 7 of the patent '231, in view of the patent to Witzke et al., is respectfully traversed.

The Office Action rejection of claims 40-42, under the judicially created doctrine of obviousness-type double patenting over claim 7 of the patent '231, in view of the patent to Keith et al, is respectfully traversed.

That is, as a Terminal Disclaimer, relative to the above rejected claims, is filed herewith, which links the term of the claims herein to the term of the claims of the above patent '231, the above rejections are believed met.

Also, it is noted that the above patent and present application have a common owner (as required for a terminal disclaimer), the U.S. government, as represented by the Secretary of the Air Force.

Accordingly, it is requested that the usual fee of \$110, for such disclaimer, be charged to deposit account no. AF 01-0465.

In view of the foregoing, the claims of record, as cleared from the disclosure of patent '001 and as terminally disclaimed re the term of patent '231, are believed in condition for allowance.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner to:

Thomas C. Stover, A/C 781-377-3779.

Respectfully submitted,

THOMAS C. STOVER
Attorney for Applicant
Reg. No. 22,531